

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

SHURMAN DUNCAN,)	
)	
Plaintiff,)	
vs.)	NO. CIV-07-1250-HE
)	
MIKE CODY and JOHN WHETSEL,)	
)	
Defendants.)	

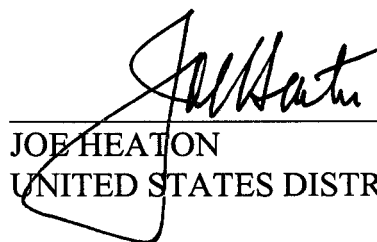
ORDER

Plaintiff Shurman Duncan instituted this action under 42 U.S. C. §1983, claiming his constitutional rights were violated by the defendants' alleged indifference to his medical needs while he was a pretrial detainee at the Oklahoma County Jail. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Robert E. Bacharach, who has recommended that a motion for summary judgment filed by defendant Whetsel be granted and that the court sua sponte grant summary judgment in defendant Cody's favor.

The plaintiff failed to object to the magistrate judge's Reports and Recommendations and thereby waived his right to appellate review of the factual and legal issues they addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C); LCvR72.1. Accordingly, the court adopts Magistrate Judge Bacharach's Reports and Recommendations. The court grants defendant Whetsel's motion for summary judgment [Doc. #69] and sua sponte grants summary judgment in favor of defendant Cody.

IT IS SO ORDERED.

Dated this 23 day of March, 2009.



JOE HEATON
UNITED STATES DISTRICT JUDGE